

EXHIBIT A

STATE OF NORTH CAROLINA

Mecklenburg County

File No.

21-CVS-

20322

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Plaintiff

Commercial Credit Group Inc.

Address

525 North Tryon Street, Suite 1000

City, State, Zip

Charlotte

NC

28202

VERSUS

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

Graziano Brothers Inc., Augustine J. Graziano, William M. Graziano, and James A. Graziano

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Graziano Brothers Inc.

By Serv United States Corporation Agents, Inc., Registered Agent

101 Billerica Avenue, BLDG 5, Suite 204

North Billerica, MA 01862

Name And Address Of Defendant 2

Augustine J. Graziano

167 Weymouth Street

Holbrook, MA 02343



IMPORTANT! You have been sued! These papers are legal documents, **DO NOT** throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su nombre! ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede acerca de su caso y, de ser necesario, hablar con alguien que lo lo antes posible a traducir estos documentos!

Original

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff served. You may serve your answer by delivering a copy to the plaintiff.
2. File the original of the written answer with the Clerk of Superior Court.

_____ days after you have been known address, and

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Niall T. McLachlan, Esq.

525 North Tryon Street, Suite 1000

Charlotte, NC 28202

Date Issued

12/22/21

Time

12:12

☐ AM

☒ PM

Signature

[Signature]

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM

☐ PM

Signature

[Signature]

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

AOC-CV-100, Rev. 4/18

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RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served

Time Served

☐ AM☐ PM

Name Of Defendant

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served

Time Served

☐ AM☐ PM

Name Of Defendant

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

Service Fee Paid
\$

Signature Of Deputy Sheriff Making Return

Date Received

Name Of Sheriff (type or print)

Date Of Return

County Of Sheriff

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

21-CVS- 20322

FILED

COMMERCIAL CREDIT GROUP INC.

Plaintiff

v.

BY

GRAZIANO BROTHERS INC., AUGUSTINE J.
GRAZIANO, WILLIAM M. GRAZIANO, AND
JAMES A. GRAZIANO,

Defendants.

COMPLAINT

Commercial Credit Group Inc. ("Plaintiff"), for its complaint against the Defendants, Graziano Brothers Inc., Augustine J. Graziano, William M. Graziano, and James A. Graziano, states and alleges the following:

1. This is an action to recover damages for breach of contract.

I. Parties

2. Plaintiff is a corporation organized and existing under the laws of the State of Delaware, which is authorized to do business in the State of North Carolina, with its principal address at 525 North Tryon Street, Suite 1000, Charlotte, Mecklenburg County, North Carolina 28202.

3. Defendant Graziano Brothers Inc. is a Massachusetts corporation, upon information and belief.

4. Defendant Augustine J. Graziano is a Massachusetts resident, upon information and belief.

5. Defendant William M. Graziano is a Massachusetts resident, upon information and belief.

6. Defendant James A. Graziano is a Massachusetts resident, upon information and belief.

7. Venue in this Court is proper, and this Court has exclusive jurisdiction over the named parties based upon, among other things, based upon the respective parties' prior express written consent thereto.

II. Factual Background

8. Plaintiff made a commercial equipment loan to Graziano Brothers Inc. In exchange for the loan, Graziano Brothers Inc. executed and delivered to Plaintiff a Negotiable Promissory Note and Security Agreement (as amended from time to time, the “Note”) payable to Plaintiff that is the subject of this action. The date of the Note and the original face amount are as follows:

	<u>Date of Notes</u>	<u>Original Face Amount</u>
Loan 1	December 13, 2019	\$339,192.00

9. Plaintiff is the holder and sole owner of the Note described above.

10. By Guaranty dated December 13, 2019, Defendants Augustine J. Graziano, William M. Graziano, and James A. Graziano agreed, among other things, to guaranty payment of all obligations of Graziano Brothers Inc. to Plaintiff.

III. Count One: Breach of Contract as to all Defendants

11. Plaintiff repeats and realleges each of the preceding allegations as if fully set forth herein.

12. Defendants Graziano Brothers Inc., Augustine J. Graziano, William M. Graziano, and James A. Graziano defaulted under the Note and Guaranty by, *inter alia*, failing to remit to Plaintiff monthly payments due thereunder and by selling collateral pledged to secure payment and performance under the Note.

13. After applying all payments and credits, the remaining balance owed on the Obligations is \$79,349.18 as of December 15, 2021.

14. Under the Note, after default, Plaintiff is entitled to interest at the Default Rate (as defined therein at eighteen percent per annum) which, in the instant case, results in the accrual of interest in the amount of \$39.67 per day from December 15, 2021.

15. Pursuant to the Note, Plaintiff is entitled to attorneys’ fees and other charges in the event the Note is placed in the hands of an attorney for collection.


16. Defendants Graziano Brothers Inc., Augustine J. Graziano, William M. Graziano and James A. Graziano are hereby notified pursuant to N.C.G.S. 6-21.2 *et seq.*, by service of this Summons and Complaint that: (a) Plaintiff intends to recover attorneys' fees from Defendants herein, and (b) each has five days from date of such service within which to pay the principal and interest owing at the time this action was instituted without incurring liability for Plaintiff's attorneys' fees.

Wherefore, Plaintiff respectfully prays that the Court enter judgment in favor of Plaintiff, and against Defendants, as follows:

1. Judgment against Graziano Brothers Inc., Augustine J. Graziano, William M. Graziano, and James A. Graziano, jointly and severally, in favor of Plaintiff, in the amount of \$79,349.18, plus such pre-judgment interest which has accrued at the rate of \$39.67 per day between December 15, 2021, and the date that judgment is entered, and Plaintiff's legal costs, expenses, and attorneys' fees; and

2. Such other relief as is just and proper.

December 21, 2021



Niall T. McLachlan (N.C. Bar #54360)
Laura E. F. Thompson (N.C. Bar #38932)
Ryan J. Ostrow (N.C. Bar #45495)
COMMERCIAL CREDIT GROUP INC.
525 N. Tryon St., Suite 1000
Charlotte, NC 28202 (704) 944-2981
Emails: nmclachlan@commercialcreditgroup.com
lethompson@commercialcreditgroup.com
rostrow@commercialcreditgroup.com

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21-CVS-20322

COUNTY OF MECKLENBURG

COMMERCIAL CREDIT GROUP INC.

Plaintiff,

v.

GRAZIANO BROTHERS INC.,
AUGUSTINE J. GRAZIANO, WILLIAM M.
GRAZIANO, AND JAMES A. GRAZIANO,

Defendants.

AFFIDAVIT OF SERVICE



JAN 06 2022

I, Niall T. McLachlan, being duly sworn, hereby declare that the Summons issued on December 22, 2021, and Plaintiff's Complaint filed on December 22, 2021, was served on the Defendants listed below by delivering a true copy thereof as follows:

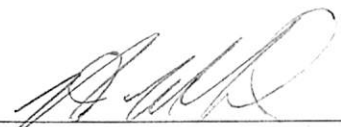
Graziano Brothers Inc.
C/O United States Corporation Agents, Inc.
Registered Agent
101 Billerica Avenue, BLDG 5, Suite 204
North Billerica, MA 01862
Served on: 12/24/2021 via FedEx

Augustine J. Graziano
167 Weymouth Street
Holbrook, MA 02343
Served on: 12/24/2021 via FedEx

James A. Graziano
7 Kathleen Drive
Holbrook, MA 02343
Served on: 12/24/2021 via FedEx

William M. Graziano
306 Union Street
Holbrook, MA 02343
Served on: 12/27/2021 via FedEx

Proof of delivery is attached hereto as Exhibit "A."
January 3, 2022


Niall T. McLachlan (N.C. Bar #54360)
Laura E. F. Thompson (N.C. Bar #38932)
Commercial Credit Group Inc.
525 N. Tryon St., Suite 1000
Charlotte, NC 28202 (704) 944-2981
nmclachlan@commercialcreditgroup.com
lthompson@commercialcreditgroup.com



Sworn to this 3
day of January, 2022

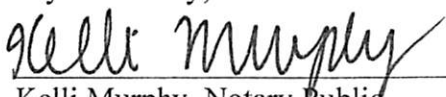

Kelli Murphy, Notary Public
My Commission Expires: 10/27/2025

EXHIBIT A



December 27, 2021

Dear Customer,

The following is the proof-of-delivery for tracking number: 775582200176

Delivery Information:

Status:	Delivered	Delivered To:	Residence
Signed for by:	A.GAZIANO	Delivery Location:	167 WEYMOUTH ST
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; Residential Delivery; Adult Signature Required		HOLBROOK, MA, 02343
		Delivery date:	Dec 24, 2021 11:38

Shipping Information:

Tracking number:	775582200176	Ship Date:	Dec 22, 2021
		Weight:	0.5 LB/0.23 KG

Recipient:
Augustine J. Graziano,
167 Weymouth Street
HOLBROOK, MA, US, 02343

Shipper:
Lauren Johns, COMMERCIAL CREDIT GROUP INC
525 N TRYON ST
STE 1000
CHARLOTTE, NC, US, 28202

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Thank you for choosing FedEx



December 27, 2021

Dear Customer,

The following is the proof-of-delivery for tracking number: 775582298175

Delivery Information:

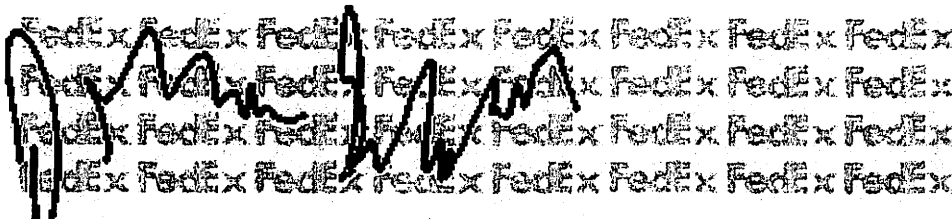
Status:	Delivered	Delivered To:	Residence
Signed for by:	J.GRAZIANO	Delivery Location:	7 KATHLEEN DR
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; Residential Delivery; Adult Signature Required		HOLBROOK, MA, 02343
		Delivery date:	Dec 24, 2021 11:51

Shipping Information:

Tracking number:	775582298175	Ship Date:	Dec 22, 2021
		Weight:	0.5 LB/0.23 KG

Recipient:
James A. Graziano,
7 Kathleen Drive
HOLBROOK, MA, US, 02343

Shipper:
Lauren Johns, COMMERCIAL CREDIT GROUP INC
525 N TRYON ST
STE 1000
CHARLOTTE, NC, US, 28202



Thank you for choosing FedEx



December 23, 2021

Dear Customer,

The following is the proof-of-delivery for tracking number: 775582165160

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	J.JULIO	Delivery Location:	101 BILLERICA AVE
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; Adult Signature Required		NORTH BILLERICA, MA, 01862
		Delivery date:	Dec 23, 2021 11:14

Shipping Information:

Tracking number:	775582165160	Ship Date:	Dec 22, 2021
		Weight:	0.5 LB/0.23 KG

Recipient:
US Corporation Agents, Inc Reg Agen, Graziano Brothers Inc.
101 Billerica Ave, BLDG 5
Suite 204
NORTH BILLERICA, MA, US, 01862

Shipper:
Lauren Johns, COMMERCIAL CREDIT GROUP INC
525 N TRYON ST
STE 1000
CHARLOTTE, NC, US, 28202

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Thank you for choosing FedEx



December 27, 2021

Dear Customer,

The following is the proof-of-delivery for tracking number: 775582264898

Delivery Information:

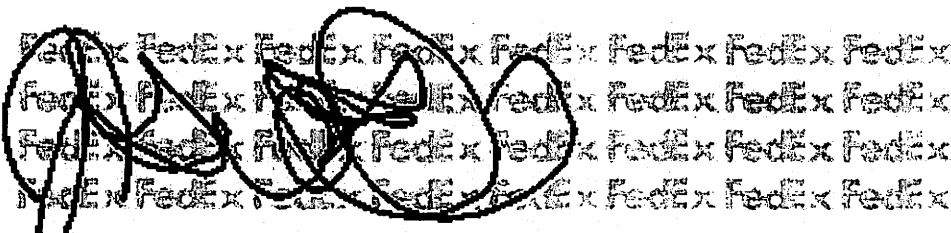
Status:	Delivered	Delivered To:	Residence
Signed for by:	M.GRAZINO	Delivery Location:	306 UNION ST
Service type:	FedEx Standard Overnight		
Special Handling:	Deliver Weekday; Residential Delivery; Adult Signature Required		HOLBROOK, MA, 02343
		Delivery date:	Dec 27, 2021 07:45

Shipping Information:

Tracking number:	775582264898	Ship Date:	Dec 22, 2021
		Weight:	0.5 LB/0.23 KG

Recipient:
William M. Graziano,
306 Union Street
HOLBROOK, MA, US, 02343

Shipper:
Lauren Johns, COMMERCIAL CREDIT GROUP INC
525 N TRYON ST
STE 1000
CHARLOTTE, NC, US, 28202



Thank you for choosing FedEx

CERTIFICATE OF SERVICE

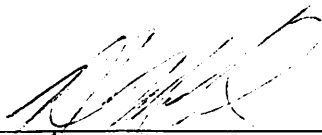
I hereby certify that on the 3rd day of January, 2022 a copy of the foregoing pleading was served via U.S. Mail on the person hereinafter named at the address stated below:

Graziano Brothers Inc.
C/O United States Corporation Agents, Inc.
Registered Agent
101 Billerica Avenue, BLDG 5, Suite 204
North Billerica, MA 01862

Augustine J. Graziano
167 Weymouth Street
Holbrook, MA 02343

William M. Graziano
306 Union Street
Holbrook, MA 02343

James A. Graziano
7 Kathleen Drive
Holbrook, MA 02343



Niall T. McLachlan (N.C. Bar #54360)
Commercial Credit Group Inc.
525 N. Tryon St., Suite 1000
Charlotte, NC 28202 (704) 944-2981
lethompson@commercialcreditgroup.com